

§ 15A-173.4. Issuance, modification, and revocation of Certificate of Relief by the court.

(a) When a petition is filed under G.S. 15A-173.2, including a petition for enlargement of an existing Certificate of Relief, the court shall notify the district attorney at least three weeks before the hearing on the matter. The court may issue a Certificate of Relief subject to restriction, condition, or additional requirement. When issuing, denying, modifying, or revoking a Certificate of Relief, the court may impose conditions for reapplication.

(b) The court shall revoke a Certificate of Relief it issued if it finds by a preponderance of the evidence that the individual has a subsequent conviction for an offense in another jurisdiction that is deemed a felony or misdemeanor other than a traffic violation in this State. The court may modify or revoke a Certificate of Relief it issued if it finds by a preponderance of the evidence that the petitioner made a material misrepresentation in the petition for Certificate of Relief. A motion for modification or revocation of a Certificate of Relief may be initiated by the court on its own motion, or upon motion of the district attorney or the individual for whom the Certificate of Relief has been issued. The individual for whom the Certificate of Relief has been issued, and the district attorney, shall be given notice of the motion at least three weeks before any hearing on the matter.

(c) The district attorney shall have the right to appear and be heard at any proceeding relating to the issuance, modification, or revocation of the Certificate of Relief.

(d) The court is authorized to call upon a probation officer for any additional investigation or verification of the individual's conduct it reasonably believes necessary to its decision to issue, modify, or revoke a Certificate of Relief. If there are material disputed issues of fact or law, the individual and the district attorney may submit evidence and be heard on those issues.

(e) The issuance, modification, and revocation of Certificates of Relief shall be a public record. (2011-265, s. 1; 2018-79, s. 2.)